Single Bench

IN THE HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION NO. 265 /2005

PETITIONER

Smt. Sarita
W/O Kamlesh Dubey
Aged 43 Years
Assistant Teacher
Govt. Girls Middle School,
Devarbija
Block- Saja, Tehsil Bemetara
District Durg (C.G)

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20-1-05
Bilaspur
Counsel for A G

Versus

RESPONDENTS

1) State Of Chattisgarh
Through Secretary
School Department
DKS Bhawan
Raipur (C.G)

2) Collector, Durg
District Durg (C.G)

3) Under Secretary
Department of School
Education,
Govt. of Chattisgarh

R.R. No. 250/05
Presented by Shri Kumar Tiwari
dated 20-1-05

Writ Petition under Article 226/227 of the Constitution of India.

(37)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 265 of 2005

Petitioner — Smt. Sarita

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Vimalesh Bajpai, Advocate for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the respondents.

ORDER

(Passed on this 26th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher in Govt. Girls Middle School, Deverbija, Block – Saja, Bemtera, District –Durg was transferred to Navagarh, Bemetera, on the same terms and conditions vide impugned transfer order dated 21.9.2004 (Annexure P/1), within the same district.
2. This Court vide interim order dated 12.4.2005 granted stay of the impugned order, till the next date of hearing. By virtue of the interim order the petitioner must have continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur